

REMARKS

Reconsideration and further examination of this application are hereby requested. Claims 45, 46, 48-52, 55-59, 61-65, 67-74, and 78-80 are currently pending in the application. Claims 1-44, 47, 53, 54, 60, 66, and 75-77 have been canceled.

A. THE ANTICIPATION REJECTION

Claims 45, 50-52, 56-58, 64, 68-70, 79, and 80 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Grantges (U.S. Patent No. 6,324,648). Independent claims 45, 58, 64, and 70 have been amended and patentability of the amended claims is explained as follows.

In order for a patent claim to be anticipated by the prior art, each and every limitation recited in the claim must be disclosed (either expressly or inherently) within the four corners of a single prior art reference. That is the law of anticipation.

Independent claim 45 (as amended) recites that the "remote gateway agent" is "installed in a wireless gateway in a wireless data network," and that the remote gateway agent is adapted for "transcoding the result for viewing by the wireless network-capable user device." Independent claims 58, 64, and 70 (as amended) also recite these features using similar language.

These features recited in the independent claims are not disclosed in the Grantges reference. The use of a remote gateway

agent in a wireless gateway to provide access for a wireless network-capable user device to a processing system on a wired data network is not disclosed by Grantges. Grantges does not teach the transcoding of results for a wireless network-capable user device. Accordingly, Applicant respectfully submits that Grantges does not anticipate independent claims 45, 50-52, 56-58, 64, 68-70, 79, and 80.

B. THE OBVIOUSNESS COMBINATION OF GRANTGES, ANDERSON AND STAPLES

Claims 46, 48, 49, 59, 61-63, and 71-74 have been rejected under 35 U.S.C. § 103(a) as being obvious over Grantges in view of Anderson (U.S. Patent No. 6,633,905) and Staples (U.S. Patent Publication No. 2002/0118671). Independent claims 45, 58, 64, and 70 have been amended and patentability of the claims depending therefrom is explained as follows.

In order for a patent claim to be obvious over the prior art, the prior art must teach or fairly suggest each and every limitation of that claim. That is because the claim must be considered as a whole.

The deficiencies of the Grantges reference with respect to independent claims 45, 58, 64, and 70 (from which claims 46, 48, 49, 59, 61-63, and 71-74 depend) are explained above in part A of these Remarks. When Anderson and Staples are considered together with Grantges, they do not overcome the above noted deficiencies of Grantges alone. Anderson is focused on computer hardware that

enables display of video signal on a remote computer, which has nothing in particular to do with wireless devices or access of such wireless devices to a processing system on a wired data network. Staples is focused on providing telephone service via both the Public Switched Telephone Network and the Internet, but teaches nothing in particular about wireless devices or access of such wireless devices to a processing system on a wired data network. Neither Anderson nor Staples suggests a remote gateway agent in a wireless gateway. Neither Anderson nor Staples suggests transcoding of results for a wireless network-capable user device.

For the above reasons, Applicant respectfully submits that Grantges, Anderson and Staples fail to establish a *prima facie* case of obviousness with respect to claims 45, 46, 48-52, 56-59, 61-64, 68-74, 79, and 80.

C. THE OBVIOUSNESS COMBINATION OF GRANTGES AND MAKAGON

Claims 47, 53-55, 60, 65-67, and 75-78 have been rejected under 35 U.S.C. § 103(a) as being obvious over Grantges in view of Makagon '638 (U.S. Patent Publication No. 2004/0019638). Features from now canceled claims 47, 53, 54, 60, 66, and 75-77 have been added by amendment to independent claims 45, 58, 64, and 70. The patentability over Grantges and Magakon '638 of the features recited in the independent claims is explained as follows.

This rejection fails because of the claimed features that Grantges does not teach (refer to part A of these Remarks) and because the Magakon '638 reference is not available as prior art with respect to the present application.

The reason that the Makagon '638 patent publication is not prior art with respect to the present application is because it has an effective filing date later than the effective filing date of the present application. The effective filing date of the present application is Jan. 29, 2001, the filing date of provisional application no. 60/264,937 from which the present application properly claims priority benefit. Makagon '638 has an effective date under § 102(e) of no earlier than Oct. 10, 2002.

The Makagon '638 patent publication purports on its face to have a priority date as early as Sep. 11, 1998, based on its priority claim that reads:

The present invention is a continuation in part (CIP) to a U.S. patent application Ser. No. 10/269,124 entitled Method and Apparatus for Extended Management of State and Interaction of a Remote Knowledge Worker from a Contact Center filed on Oct. 10, 2002, which is a CIP to a U.S. patent application Ser. No. 09/405,335 entitled Method and Apparatus for Data-Linking a Mobile Knowledge Worker to Home Communication-Center Infrastructure filed on Sep. 24, 1999, which is a CIP to U.S. Pat. No. 6,108,711 filed Sep. 11, 1998 and issued on Aug. 22, 2000, all of which are incorporated herein at least by reference.

See Makagon '638 at numbered paragraph [0001]. However, careful review of Makagon's alleged chain of priority claims reveals an

important discrepancy. Please note that the inventorship of the documents in this chain of pendency are as follows:

DOCUMENT IDENTIFICATION	LISTED INVENTORS
Appln. no. 10/406,511 Pub. no. 2004/0019638	Petr Makagon, Andriy Ryabchun, Nikolay Anisimov
Appln. no. 10/269,124 Pat. no. 6,985,943	Vladimir N. Deryugin, Patrick Giacomini, Petr Makagon, Andriy Ryabchun, Nikolay Anisimov
Appln. no. 09/405,335 Pat. no. 6,711,611	Musa Hanhan
Appln. no. 09/151,564 Pat. no. 6,108,711	Christopher Clemmett Macleod Beck, Jonathan Michael Berke, Joel A. Johnstone, Robin Marie Mitchell, James Karl Powers, Mark Franklin Sidell, Charles Dazler Knuff

The priority claims to the 09/405,335 application (pat. no. 6,711,611) and the 09/151,564 application (pat. no. 6,108,711) are not valid because neither the 10/406,611 application (published as Makagon '638) nor the 10/269,124 application (pat. no. 6,985,943) have a single inventor in common with either one of the earlier 09/405,335 and 09/151,564 applications. The domestic priority statute requires at least one inventor in common for a valid priority claim. 35 U.S.C. § 120. This express requirement of the statute has been violated in the case of Makagon '638. Thus, the domestic priority claims to applications nos. 09/405,335 (pat. no. 6,711,611) and 09/151,564 (pat. no. 6,108,711) are invalid.

Accordingly, the earliest possible effective filing date for Makagon '638 is Oct. 10, 2002. This date falls after both the filing date of the present application (Jan. 2, 2002) and its

claimed priority date of Jan. 29, 2001. Accordingly, Makagon '638 is not prior art under 35 U.S.C. § 102(e) with respect to the present application.

For the above reasons, Applicant respectfully submits that the Grantges and Makagon '638 references fail to establish a prima facie case of obviousness with respect to claims 45, 46, 48-52, 55-59, 61-65, 67-74, and 78-80.

D. CLOSING

For the above reasons, Applicant respectfully submits that the application is in condition for allowance with claims 45, 46, 48-52, 55-59, 61-65, 67-74, and 78-80. If there remain any issues that may be disposed of via a telephonic interview, the Examiner is kindly invited to contact the undersigned at the local exchange given below.

The Director of the U.S. Patent & Trademark Office is authorized to charge any necessary fees, and conversely, deposit any credit balance, to Deposit Account No. 18-1579.

Respectfully submitted,

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